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7
8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 FLS TRANSPORTATION SERVICES
11 (USA) INC., a Delaware foreign corporation,

12 Plaintiff,

13 v.

14 ARLIEN CASILLAS, an individual and
15 OPEN ROAD TRANSPORTATION, INC.,
an Oregon foreign corporation,

16 Defendants.

CASE NO.: 3:17-cv-00013-MMD-VPC

**DEFENDANT CASILLAS' MOTION
FOR LEAVE TO FILE PORTIONS OF
REPLY IN SUPPORT OF MOTION TO
DISQUALIFY PLAINTIFF'S COUNSEL
UNDER SEAL**

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18 Pursuant to Local Rule 10-5, and this Court's Order Governing the Confidentiality of
19 Information and Documents, *see* ECF No. 49, Defendant Arlien Casillas ("Casillas") hereby
20 requests leave to file portions of her Reply in support of Motion to Disqualify Plaintiff's Counsel
21 (the "Reply"), and certain exhibits attached thereto, under seal.

22 Parties seeking to maintain the confidentiality of materials submitted to the Court must
23 make a "particularized showing" of "good cause" for such materials to be filed under seal. *See*
24 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir.2006) (quoting *Foltz v.*
25 *State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir.2003)); *see also Pintos v. Pac.*
26 *Creditors Assoc.*, 605 F.3d 665, 678 (9th Cir. 2010). A party seeking to file documents under seal
27 bears the burden of overcoming the presumption of public access. *See, e.g., Foltz*, 331 F.3d at
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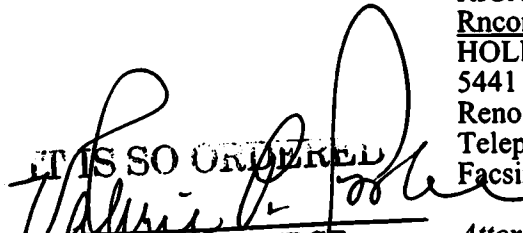
1130. Redacting confidential information from a filing, and submitting such portions under seal, is preferred over submitting the entire filing under seal. *See id.* at 1137.

Materials containing or reflecting communications between a client and her attorney are a paradigmatic example of privileged materials. *See, e.g., KL Grp. v. Case, Kay & Lynch*, 829 F.2d 909, 919 (9th Cir. 1987) (letter between the law firm and its client was privileged communication). As one might expect, courts considering motions for disqualification routinely permit portions and exhibits to such motions to be filed under seal to preserve the confidential and privileged information involved. *See, e.g., Boies, Schiller & Flexner LLP v. Host Hotels & Resorts, Inc.*, 603 Fed. Appx. 19 (2d Cir. 2015) (ordering appeal regarding a motion to disqualify to be sealed; “[b]ased on Host’s assertion of attorney-client privilege, the specifics of the advice implicated by this appeal were placed under seal in the district court and remain so here.”); *Kaselaan & D’Angelo Assocs., Inc. v. D’Angelo*, 144 F.R.D. 235, 243 (D.N.J. 1992) (noting that party moving for disqualification had submitted materials under seal).

Here, portions of Casillas’ Reply contain or reflect confidential, sensitive, and privileged communications between Casillas and Mr. Tormohlen during the course of his prior representation of her. Accordingly, in order to preserve the confidential nature of these materials, there is good cause to file such materials under seal, and redact those portions from the publicly-filed portions of the Motion.

DATED this 7th day of November, 2017.

By /s/ Ricardo Cordova
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IT IS SO ORDERED

 U.S. MAGISTRATE JUDGE
 DATED: November 9, 2017

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that on November 7, 2017, I served a true and correct copy of the foregoing **DEFENDANT CASILLAS' MOTION FOR LEAVE TO FILE PORTIONS OF REPLY IN SUPPORT OF MOTION TO DISQUALIFY PLAINTIFF'S COUNSEL UNDER SEAL**, by electronic transmission to the parties on electronic file and listed below:

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Dated: November 7, 2017.

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